

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-SB290)

Received: **12/15/2009**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Pedro Colon (608) 267-7669**

By/Representing: **Cecily Caspillo**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Colon@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Clarify definition of mixed arts fighting

Instructions:

Per LRBs0212/1.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 12/15/2009	wjackson 12/15/2009		_____			
/1			mduchek 12/15/2009	_____	lparisi 12/15/2009	lparisi 12/15/2009	

FE Sent For:

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FE Sent For:

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State of Wisconsin
2009 - 2010 LEGISLATURE

TUE 12/15

50213/1
LRBs 0212/1
CTS:nwn&kjf:jf
Stays

ASSEMBLY SUBSTITUTE AMENDMENT 1, ✓
SENATE BILL 290
TO 2009 ASSEMBLY BILL 438 ✓

~~December 15, 2009 - Offered by Representative COLON.~~

1 AN ACT *to repeal* 444.09 (8); *to renumber and amend* 444.02; *to amend*
2 chapter 444 (title), 444.02 (title), 444.03, 444.04, 444.06, 444.09 (title), 444.09
3 (1), 444.09 (3), 444.09 (6), 444.10 (title), 444.11, 444.12, 444.13, 444.14, 444.15
4 and 444.18; and *to create* 20.165 (1) (im), 444.01 (1g), 444.01 (1m), 444.01 (1r),
5 444.01 (3), 444.01 (4), 444.02 (3) (a), 444.02 (3) (b), 444.02 (3) (c), 444.035, 444.09
6 (9), 444.095 and 444.19 of the statutes; **relating to:** changes in the regulation
7 of boxing contests, regulating mixed martial arts fighting contests, granting
8 rule-making authority, making appropriations, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

9 SECTION 1. 20.165 (1) (im) of the statutes is created to read:

10 20.165 (1) (im) *Boxing and mixed martial arts fighting; enforcement.* Fifty
11 percent of all moneys received in forfeitures imposed under s. 444.14, for
12 enforcement of ch. 444.

1 **SECTION 2.** Chapter 444 (title) of the statutes is amended to read:

2 **CHAPTER 444**

3 **REGULATION OF BOXING AND**

4 **MIXED MARTIAL ARTS FIGHTING**

5 **SECTION 3.** 444.01 (1g) of the statutes is created to read:

6 444.01 **(1g)** “Amateur mixed martial arts fighting contest” means a mixed
7 martial arts fighting contest or exhibition in which none of the fighters are
8 compensated for participating in the contest or exhibition.

9 **SECTION 4.** 444.01 (1m) of the statutes is created to read:

10 444.01 **(1m)** “Physician” means a person licensed to practice medicine and
11 surgery under s. 448.04 (1) (a).

12 **SECTION 5.** 444.01 (1r) of the statutes is created to read:

13 444.01 **(1r)** “Mixed martial arts fighting” does not include any of the following:

14 (a) Fighting in which the contestants in a match use the same single form of
15 martial arts, even if the match is part of an event comprising more than one such
16 match and not all the matches in the event use the same single form of martial arts.

17 (b) A martial arts match in which the rules prohibit a contestant from striking
18 an opponent’s head with the intent to cause unconsciousness or inflict damage.

19 **SECTION 6.** 444.01 (3) of the statutes is created to read:

20 444.01 **(3)** “Professional contest” means a professional boxing contest or a
21 professional mixed martial arts fighting contest.

22 **SECTION 7.** 444.01 (4) of the statutes is created to read:

23 444.01 **(4)** “Professional mixed martial arts fighting contest” means a mixed
24 martial arts fighting contest in which one or more of the fighters is compensated for
25 participating in the contest or exhibition.

1 **SECTION 8.** 444.02 (title) of the statutes is amended to read:

2 **444.02** (title) **~~Boxing licenses,~~ Licenses and permits.**

3 **SECTION 9.** 444.02 of the statutes is renumbered 444.02 (1) and amended to
4 read:

5 444.02 **(1)** The department shall have the sole direction, management, and
6 control of, and jurisdiction over, all professional ~~boxing~~ contests and all amateur
7 mixed martial arts fighting contests conducted within the state by any promoter or
8 club. No club or promoter may conduct professional ~~boxing~~ contests ~~may be~~
9 ~~conducted or amateur mixed martial arts fighting contests~~ within the state except
10 under authority granted by the department and in accordance with this chapter and
11 the rules of the department.

12 **(2)** The department may issue, and for cause limit, suspend, or revoke, a license
13 to conduct professional ~~boxing~~ contests or amateur mixed martial arts fighting
14 contests to any promoter or incorporated club formed as provided in this chapter.
15 Every license shall be subject to the department's rules and regulations. The
16 department may limit the number of professional ~~boxing~~ contests and amateur
17 mixed martial arts fighting contests given by any promoter or club in any city, village,
18 or town and may reprimand a promoter or club for violating this chapter or any rule
19 of the department.

20 **(3)** No professional ~~boxing~~ contest or amateur mixed martial arts fighting
21 contest may be conducted by any licensed club without a permit from the
22 department. ~~Every license shall be subject to such rules and regulations as the~~
23 ~~department prescribes. The department may reprimand clubs for violating this~~
24 ~~chapter or any rules of the department.~~ An application for a permit shall be
25 accompanied by a nonrefundable \$300 processing fee. Every permit shall be

1 conditioned on payment by the promoter or club to the department, within 2 business
2 days after the event for which the permit was issued, of the following fees:

3 **SECTION 10.** 444.02 (3) (a) of the statutes is created to read:

4 444.02 (3) (a) If the number of tickets sold for the event is less than 2,000, an
5 event fee of \$450.

6 **SECTION 11.** 444.02 (3) (b) of the statutes is created to read:

7 444.02 (3) (b) If the number of tickets sold for the event is less than 5,000 but
8 more than 1,999, an event fee of \$2,200 plus a gate fee equal to the lesser of 5 percent
9 of the total amount collected by the club or promoter in gross ticket sales or \$4,000.

10 **SECTION 12.** 444.02 (3) (c) of the statutes is created to read:

11 444.02 (3) (c) If the number of tickets sold for the event is 5,000 or more, an
12 event fee of \$4,700 plus a gate fee equal to the lesser of 5 percent of the total amount
13 collected by the club or promoter in gross ticket sales or \$12,500.

14 **SECTION 13.** 444.03 of the statutes is amended to read:

15 **444.03 Application for license; fee.** No professional ~~boxing contest or~~
16 ~~amateur mixed martial arts fighting contest~~ may be conducted by any promoter or
17 club except by license granted to it by the department, ~~and no club may be licensed~~
18 ~~unless it is incorporated under the laws of Wisconsin and its membership is limited~~
19 ~~to persons who have been continuous residents in the state for at least one year.~~ An
20 application for a license shall be in writing, addressed to the department, and
21 verified by the promoter or by an officer of the club. An application shall be
22 accompanied by an annual fee of \$25 ~~in cities, villages, and towns of not more than~~
23 ~~50,000 inhabitants, \$50 in cities of over 50,000 and not more than 150,000~~
24 ~~inhabitants, and \$300 in cities of over 150,000 inhabitants when the admission is~~
25 ~~over \$1 and \$50 when the admission charge is \$1 or less~~ \$500. The application must

1 show that the promoter or club has entered into a valid agreement for the use of the
2 building, amphitheater, or stadium in which contests are to be held.

3 **SECTION 14.** 444.035 of the statutes is created to read:

4 **444.035 Bond.** The department shall by rule require a promoter or club
5 conducting a professional contest or amateur mixed martial arts fighting contest to
6 post a bond or other surety in a reasonable amount determined by the department
7 to ensure payment of the promoter's or club's expenses in conducting the contest,
8 including payments to contestants and to the department.

9 **SECTION 15.** 444.04 of the statutes is amended to read:

10 **444.04 Club Promoter and club reports.** Within 24 hours 2 business days
11 after a promoter or club holds a professional ~~boxing~~ contest or amateur mixed
12 martial arts fighting contest, the club shall furnish to the department a written
13 report, verified by the promoter or by one of its the club's officers under penalty of
14 perjury, showing the number of tickets sold for the contest, the amount of gross
15 proceeds, and all other information the department requires by rule to be included
16 in the report. The department may limit, suspend, revoke, or assess a forfeiture to
17 the promoter or club for failure to comply with this section or failure to provide
18 accurate information to the department. Any forfeiture collected under this section
19 shall be deposited in the appropriation account under s. 20.165 (1) (jm).

20 **SECTION 16.** 444.06 of the statutes is amended to read:

21 **444.06 Inspectors.** The department shall appoint official "inspectors," each
22 of whom shall receive a card authorizing the inspector to act wherever the
23 department designates. The department may be, and at least one inspector shall be
24 present at all professional ~~boxing~~ contests and all amateur mixed martial arts
25 fighting contests and see that the rules are strictly observed. ~~An inspector shall also~~

1 ~~be present at the counting up of the gross receipts and shall immediately mail to the~~
2 ~~department the official box-office statement received from the club. Inspectors shall~~
3 ~~be paid a per diem to be set by the department, not to exceed \$25 for each day on~~
4 ~~which they are actually and necessarily engaged in the performance of their duties,~~
5 ~~and shall be reimbursed for their actual and necessary expenses incurred in the~~
6 ~~performance of their duties. The department may require a promoter or club to pay~~
7 ~~the cost of designating additional inspectors, who may include a referee or judge~~
8 ~~performing the duties of an inspector, for an event. The department may require a~~
9 ~~promoter or club to pay the department an amount not to exceed \$250 for each~~
10 ~~additional inspector designated by the department.~~

11 **SECTION 17.** 444.09 (title) of the statutes is amended to read:

12 **444.09 (title) Conduct of boxing contests regulated.**

13 **SECTION 18.** 444.09 (1) of the statutes is amended to read:

14 444.09 (1) No professional boxing contest shall be for more than 10 12 rounds
15 ~~except that where a championship is to be determined, the contest shall not be for~~
16 ~~more than 15 rounds, and no round shall last more than 3 minutes.~~

17 **SECTION 19.** 444.09 (3) of the statutes is amended to read:

18 444.09 (3) Gloves weighing not less than 5 8 ounces shall be worn by
19 contestants who are in professional boxing contests and who weigh under 140
20 pounds, and not less than 6 10 ounces by other contestants in boxing contests.

21 **SECTION 20.** 444.09 (6) of the statutes is amended to read:

22 444.09 (6) Contestants in professional boxing contests shall break clean, and
23 must not hold and hit. Butting with head or shoulders, wrestling, or illegal use of
24 elbows shall not be allowed by contestants in professional boxing contests. There

1 shall be no unsportsmanlike conduct on the part of the contestants. This includes
2 the use of abusive or insulting language.

3 **SECTION 21.** 444.09 (8) of the statutes is repealed.

4 **SECTION 22.** 444.09 (9) of the statutes is created to read:

5 444.09 (9) Except as otherwise specified in this chapter, boxing contests shall
6 be conducted under the Association of Boxing Commissions' uniform boxing rules.

7 **SECTION 23.** 444.095 of the statutes is created to read:

8 **444.095 Conduct of mixed martial arts fighting contests regulated. (1)**

9 No individual may be a contestant in an amateur mixed martial arts fighting contest
10 unless the individual can provide evidence that he or she is covered by adequate
11 health insurance.

12 **(2)** No promoter or club may conduct a mixed martial arts fighting contest
13 unless all of the following apply:

14 (a) There is present at least one referee who is licensed by the department and
15 at least 3 judges who are licensed by the department.

16 (b) A physician examines each contestant immediately before and after each
17 match in which the contestant participates.

18 (c) A physician is present during each match to provide emergency care in the
19 event of an injury.

20 (d) An ambulance and emergency medical services personnel with oxygen are
21 present on the premises and equipped to transport an injured contestant.

22 **(3)** The department shall promulgate rules that establish all of the following
23 with respect to mixed martial arts fighting contests:

24 (a) Qualifications and fees for licensure of referees and judges for mixed martial
25 arts fighting contests.

1 (b) Requirements for regular health examinations of mixed martial arts
2 fighting contestants, including all of the following:

3 1. Annual physical examinations by physicians and annual eye examinations
4 by physicians who are board–certified ophthalmologists.

5 2. Annual screening for HIV, hepatitis B, and hepatitis C.

6 3. For female contestants, pregnancy tests before contests.

7 (c) Policies prohibiting contestants from using drugs, including anabolic
8 steroids, and mandating drug testing of contestants.

9 (4) Except as otherwise specified in this chapter, mixed martial arts fighting
10 contests shall be conducted under the Association of Boxing Commissions' uniform
11 rules of mixed martial arts.

12 **SECTION 24.** 444.10 (title) of the statutes is amended to read:

13 **444.10 (title) Physician to examine professional boxing contestants.**

14 **SECTION 25.** 444.11 of the statutes is amended to read:

15 **444.11 Licenses to matchmakers, referees, ~~boxers~~ contestants, etc.** The
16 department may grant licenses upon application and the payment of the prescribed
17 fees to matchmakers, managers, referees, ~~examining physicians~~, boxers, mixed
18 martial arts fighters, seconds, and trainers in professional ~~boxing~~ contests and
19 amateur mixed martial arts fighting contests. The fees to be paid per year shall be:
20 Matchmakers ~~in cities with a population of over 150,000, \$25; matchmakers in other~~
21 ~~cities and in villages and towns, \$10; and~~ managers, \$10; referees and judges, \$15;
22 examining physicians, \$10; boxers, ~~\$5, \$40 and mixed martial arts fighters~~; seconds,
23 \$40; and trainers timekeepers, \$5 \$10. The department may limit, suspend, or
24 revoke any such license granted under this section or reprimand the ~~holder thereof~~
25 licensee upon such cause as it deems sufficient.

1 **SECTION 26.** 444.12 of the statutes is amended to read:

2 **444.12 Referee to stop contest.** The referee must stop a professional boxing
3 contest or amateur mixed martial arts fighting contest when either of the
4 contestants shows a marked superiority or is apparently outclassed. The referee
5 shall be the sole arbiter of the contest and may consult the physician identified in s.
6 444.095 (2) (c) during the contest.

7 **SECTION 27.** 444.13 of the statutes is amended to read:

8 **444.13 Sham contests, license revoked.** Any promoter or club that
9 conducts, holds, gives, or participates in any sham or fake professional boxing
10 contest or amateur mixed martial arts fighting contest shall forfeit its license. That
11 license shall be revoked by the department, and the promoter or club shall not be
12 entitled to another license, ~~nor shall any license be issued to any club that has a~~
13 ~~member who belonged to a club that had its license revoked.~~

14 **SECTION 28.** 444.14 of the statutes is amended to read:

15 **444.14 Sham contests; contestants penalized; forfeitures; hearing.** Any
16 The department shall ban a contestant who participates in any sham or fake
17 professional boxing contest or amateur mixed martial arts fighting contest or
18 violates any rule ~~or regulation of promulgated by~~ the department shall be penalized
19 as follows: ~~For the first offense the contestant shall be restrained by order of the~~
20 ~~department for not less than 2 months nor more than one year, the period to begin~~
21 ~~immediately after the occurrence of the offense, from participation in the contest to~~
22 ~~be held or given by any licensed club; for a 2nd offense, the contestant shall be~~
23 ~~permanently disqualified from further admission or participation in any such~~
24 ~~contest held or given by any licensed club and in addition, for each such offense, shall~~
25 ~~forfeit such amount, out of the share or purse agreed to be paid the contestant for the~~

1 ~~contest as the department determines, the forfeit to be paid into the general fund of~~
2 ~~the state. The department, upon determining the amount of the forfeit, may pay the~~
3 ~~same out of any guarantee deposited with it for delivery to the contestant or may~~
4 ~~order it paid to the department by the club employing the contestant out of the purse~~
5 ~~or share agreed by it to be paid to the contestant. The department shall not~~
6 ~~determine the forfeit until after due hearing held upon reasonable notice duly served~~
7 ~~upon, and may require the contestant or, the contestant's manager and upon the club~~
8 ~~by whom the contestant is employed. Any member of the department or the secretary~~
9 ~~or any inspector of the department may order the club to hold the share or purse of~~
10 ~~the contestant in its possession pending the hearing and determination of the~~
11 ~~department. For failure to obey any order of the department or the secretary of the~~
12 ~~department or any inspector of the department given under this section, the license~~
13 ~~of the club may be limited, suspended, canceled, or revoked, and the club may be~~
14 ~~reprimanded, or the promoter of the contest to forfeit an amount determined by the~~
15 ~~department, but not more than \$500. Fifty percent of all forfeitures collected under~~
16 ~~this section shall be deposited in the appropriation account under s. 20.165 (1) (im).~~

17 **SECTION 29.** 444.15 of the statutes is amended to read:

18 **444.15 Reports; examination of books and officers.** Whenever any
19 promoter or club fails to make a report of any professional boxing contest or amateur
20 mixed martial arts fighting contest at the time prescribed or whenever a report is
21 unsatisfactory to the department, the secretary of the department may examine the
22 books and records of the promoter or club and, may subpoena and examine, under
23 oath, the promoter or the club's officers and other witnesses to determine the total
24 amount of its gross receipts for any contest, and may hire an independent auditor to
25 assist in making the determination. The secretary may require the promoter or club

1 to pay the expenses of conducting the examination or the independent auditor's fee.
2 If a promoter or club fails to pay the amount of expenses determined by the secretary
3 to be due within 20 days after receiving notice of the amount, the promoter or club
4 shall forfeit its license, be disqualified from receiving any license under this chapter,
5 and forfeit to the state the sum of \$1,000, which may be recovered by the department
6 of justice in the name of the state.

7 **SECTION 30.** 444.18 of the statutes is amended to read:

8 **444.18 Insurance on ~~boxers~~ certain contestants.** Any licensee authorized
9 to conduct professional ~~boxing~~ contests or amateur mixed martial arts fighting
10 contests shall insure each contestant participating for hospital, nursing, and
11 medication expenses and physician's and surgeon's services according to an
12 equitable fee schedule, not to exceed in the aggregate ~~\$500~~ \$25,000, to be paid to, or
13 for the use of, any contestant to compensate for injuries sustained in any such
14 contest; and shall insure each contestant for not less than ~~\$2,500~~ \$25,000 to be paid
15 to the contestant's estate in the event of the contestant's death as the result of
16 participation in such professional ~~boxing~~ contest or amateur mixed martial arts
17 fighting contest.

18 **SECTION 31.** 444.19 of the statutes is created to read:

19 **444.19 Fee adjustments by rule.** Notwithstanding ss. 444.02 (3), 444.03,
20 444.06, and 444.11, the department may by rule adjust the fees under this chapter
21 to account for changes in the department's costs in administering and enforcing this
22 chapter.

23 **SECTION 32. Nonstatutory provisions.**

24 (1) The department of regulation and licensing shall submit in proposed form
25 the rule required under section 444.035 of the statutes, as created by this act, and

1 any additional rules necessary for the department to implement this act to the
2 legislative council staff under section 227.15 (1) of the statutes no later than the
3 first day of the 6th month beginning after the effective date of this subsection.

4 (2) Using the procedure under section 227.24 of the statutes, the department
5 of regulation and licensing shall promulgate the rule required under section 444.035
6 of the statutes, as created by this act, and any additional rules necessary for the
7 department to implement this act for the period before the effective date of the rule
8 submitted under subsection (1), but not to exceed the period authorized under section
9 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b),
10 and (3) of the statutes, the department is not required to provide evidence that
11 promulgating a rule under this subsection as an emergency rule is necessary for the
12 preservation of the public peace, health, safety, or welfare and is not required to
13 provide a finding of emergency for a rule promulgated under this subsection.

14 (3) The authorized FTE positions for the department of regulation and
15 licensing are increased by 3.0 PR positions, to be funded from the appropriation
16 under section 20.165 (1) (g) of the statutes, for the purpose of providing increased
17 staff for the administration of chapter 444 of the statutes, as affected by this act.

18 **SECTION 33. Fiscal changes.**

19 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
20 to the department of regulation and licensing under section 20.165 (1) (g) of the
21 statutes, as affected by the acts of 2009, the dollar amount is increased by \$245,440
22 for the second fiscal year of the fiscal biennium in which this subsection takes effect
23 to provide additional funding for the administration and enforcement of chapter 444
24 of the statutes, as affected by this act.

25 **SECTION 34. Effective date.**

1 (1) This act takes effect on the first day of the 7th month beginning after
2 publication.

3 (END)